

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Anthony Leo
Petitioner

v.

Com. of Massachusetts
Respondent

Civil Action No. 04-11006-JLT
Appeal No. 05-2099

MOTION TO PROCEED IN
FORMA PAUPERIS ON
APPEAL

Now comes the petitioner, Anthony Leo, and respectfully requests to be allowed to proceed on this appeal in forma pauperis. See Docket Entry # 60. The petitioner has been incarcerated for over 41 months, and as such, I have no income. Furthermore, the petitioner was allowed to proceed in forma pauperis by the District Court. See Docket Entry # 1. Pursuant to Fed. R. App. P. 24(A)(3), a party who was permitted to proceed in forma pauperis in the District Court action may proceed in the Appeals Court without further authorization.

Please refer to the accompanying financial affidavit as further reasons why this motion should be allowed.

Respectfully Submitted,

Anthony M. Leo
Pro se,

Anthony Leo #0063671

5 Paul X. Tirnan Dr.

W. Boylston, Ma. 01583

Dated: 8.30.05